

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT
Division Two

ISLA BALLARD,)	No. ED103415
)	
Appellant,)	Appeal from the Circuit Court of
)	the City of St. Louis
vs.)	
)	Honorable Philip D. Heagney
STATE OF MISSOURI,)	
)	
Respondent.)	Filed: August 30, 2016

Isla Ballard, (“Movant”), appeals the denial of his amended Rule 24.035 motion for post-conviction relief without an evidentiary hearing. On July 28, 2008, Movant entered a guilty plea to twelve counts, one count of class B felony kidnapping, four counts of class C felony domestic assault in the second degree, and seven counts of class A misdemeanor domestic assault in the third degree. He was sentenced to 15 years for each of the five felony counts, the sentences to run concurrently, and to one year for the seven misdemeanor counts, with credit for time served. The court suspended the execution of the felony sentences and granted Movant supervised probation. Following a probation revocation hearing the court revoked Movant’s probation.

In his first point, Movant contends the motion court erred because he pled facts establishing ineffective assistance of counsel in that his counsel had an actual conflict by accepting legal fees from a complaining witness in the underlying case, and plea counsel coerced Movant into pleading guilty by stating he could not afford to go to trial. In his second point, Movant alleges plea counsel was ineffective in that he failed to adequately advise Movant, and failed to sufficiently investigate the case as instructed by Movant.

AFFIRMED.

Division Two Holds: In his first point Movant fails to allege facts demonstrating he was prejudiced by the complaining witness hiring his plea counsel and his plea counsel informing him he should plead guilty or risk life in prison. Movant’s second point on appeal is refuted by the record. Therefore, the motion court did not clearly err in denying Movant’s motion for post-conviction relief without an evidentiary hearing.

Opinion by: Colleen Dolan, J. Sherri B. Sullivan, P.J., and Roy L. Richter, J., concur.

Attorney for Appellant: Timothy J. Forneris

Attorney for Respondent: Christine K. Lesicko

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